

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SECOND AMENDMENT ARMS ET AL)

Plaintiffs,)

v.)

CITY OF CHICAGO ET AL)

Defendants.)

**Case No. 10-C-4257
Judge Robert M. Dow, Jr.**

**DEFENDANTS' UNOPPOSED MOTION FOR AN EXTENSION OF TIME
TO FILE SUPPLEMENTAL REPLY BRIEFS ON SUMMARY JUDGMENT**

Without opposition from Plaintiffs, Defendant City of Chicago (the "City"), by its counsel, Mark A. Flessner, Corporation Counsel of the City of Chicago, hereby respectfully moves this Court for a two-week extension of time for the parties to file their respective Supplemental Reply Briefs in response to the Court's Memorandum Opinion and Order for supplemental briefing. The City, by agreement with the Plaintiffs, asks the Court to extend the current due date by two weeks, to August 20, 2020, for both parties to file their respective supplemental reply briefs on the nominal damages and laser sight ban issues identified by the Court in its March 10, 2020 Memorandum Opinion and Order. In support of this motion, Defendant states as follows:

1. On March 10, 2020, the Court issued its order granting the City's motion to exclude the testimony of Plaintiffs' expert, and denying without prejudice and subject to further supplemental briefing on the City's motion for summary judgment with respect to Counts I and III.

2. As part of its Order, the Court directed each party to file a supplemental brief on the nominal damages and laser sight ban issues by March 30, 2020 and a supplemental reply brief by April 20, 2020.

3. The combined effect of Chief Judge Pallmeyer's subsequent General Orders regarding Covid-19, and other briefing extensions granted by this Court, moved the due date for the Parties' supplemental briefs to July 16, 2020 and supplemental replies to August 6, 2020. Both parties filed their respective opening Supplemental Briefs on July 16, 2020.

4. The City, with Plaintiffs' concurrence, respectfully requests an extension of two weeks for the Parties to file their respective Supplemental Reply briefs to August 20, 2020. An extension of time is warranted due to the City's counsels' obligations in other cases and matters, including the preparation of briefs and extensive written discovery in other actions and complex matters, and advising City officials on issues related to, and complicated by, the Covid-19 pandemic as well as recent demonstrations and their impact on essential City services. Furthermore, the City experienced staffing turnover in its counsel for this case since summary judgment briefing was completed, requiring additional time for new counsel to become familiar with the facts and substantial history of this case. In addition, this motion is not intended to delay the proceedings, and no party will be prejudiced by the Court's granting of this motion.

5. Counsel for the City has consulted with Plaintiffs' counsel, and Plaintiffs' counsel has agreed to the requested extension and revised briefing schedule.

WHEREFORE, for the foregoing reasons, the City respectfully requests that the Court grant an extension of time for the parties to file their Supplemental Reply Briefs up to and including August 20, 2020.

Respectfully submitted,

MARK A. FLESSNER,
Corporation Counsel for the City of Chicago

By: /s Thomas P. McNulty
Senior Counsel

Date: July 31, 2020

THOMAS P. MCNULTY
PETER H. CAVANAUGH
City of Chicago, Department of Law
Constitutional and Commercial Litig. Div.
30 North LaSalle Street, Suite 1230
Chicago, Illinois 60602
(312) 742-0307/ 744-0897

Attorneys for Defendants

CERTIFICATE OF SERVICE

I, Thomas P. McNulty, an attorney, hereby certify that on this, the 31st day of July, 2020, I caused copies of (1) **Defendant's Unopposed Motion for an Extension of Time to File Supplemental Reply Briefs and (2) Notice of Unopposed Motion for Extension** to be served by electronic case filing (ECF) on counsel for Plaintiffs.

/s/ Thomas P. McNulty